

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STACY L. RANDALL,

Plaintiff,

v.

REED C. WIDEN, MICHAEL
KIESLER, WIDEN ENTERPRISES,
LLC, and WINDY WATERS, INC.,

Case No. 22-cv-400-jdp

Defendants.

STEVEN RANDALL'S MOTION FOR A PROTECTIVE ORDER

Steven Randall, by his attorneys Reinhart Boerner Van Deuren, s.c., moves this court for a protective order limiting the length of his deposition to accommodate his health conditions, including ankylosing spondylitis and multiple sclerosis, and his urinary incontinence. Specifically, for the reasons outlined below, Steven requests the Court enter an order limiting the length of Steven's deposition to two hours (not including breaks).

BACKGROUND

Steven Randall is the Plaintiff Stacy Randall's ex-husband. Declaration of Steven Randall ("Randall Decl.") September 28, 2023, ¶ 2-3. Steven received a subpoena from Defendants dated September 14, 2023, requesting that he appear for a deposition in the present action. *Id.* ¶ 4, Ex. A. The subpoena indicated Steven's deposition will take place at the "Comfort Suites Wisconsin Dells Area" located at 5780 Kinney Road, Portage, WI 53901. *Id.* ¶ 5, Ex. A.

Steven suffers from several chronic health conditions, including ankylosing spondylitis and multiple sclerosis. *Id.* ¶ 6. Ankylosing spondylitis is a form of arthritis that can cause vertebrae in

the spine to fuse over time. Ankylosing spondylitis, *Mayo Clinic* (last visited Sep. 27, 2023), <https://www.mayoclinic.org/diseases-conditions/ankylosing-spondylitis/symptoms-causes/syc-20354808>. Multiple sclerosis is an autoimmune disease that impacts the brain and spinal cord. Multiple sclerosis, *Mayo Clinic* (last visited Sep. 27, 2023), <https://www.mayoclinic.org/diseases-conditions/multiple-sclerosis/symptoms-causes/syc-20350269>.

The ankylosing spondylitis and multiple sclerosis cause Steven great physical discomfort. Randall Decl. ¶ 7. Steven's physical discomfort makes it difficult for him to concentrate. *Id.* ¶ 8. The ankylosing spondylitis and multiple sclerosis also impact Steven's physical mobility. *Id.* ¶ 9. Steven requires a walker to walk. *Id.* ¶ 10. Steven also urinates every ten to fifteen minutes due to complications from heart surgery that occurred approximately five years ago. *Id.* ¶ 11–13. Steven would need to dehydrate himself to stop himself from urinating every 10 to 15 minutes. *Id.* ¶ 14.

ARGUMENT

Federal Rule of Civil Procedure 26(c) permits a party to move for a protective order to limit the scope of a third party's deposition. Fed. R. Civ. P. 26(c)(1). A court may issue a protective order under Rule 26(c) if there is good cause "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." *Id.* A protective order may specify the terms of discovery or preclude the discovery from occurring. Fed. R. Civ. P. 26(c)(A)–(H).

There is good cause to limit the length and location of Steven's deposition. Steven suffers from numerous health conditions that impact his mobility and his ability to leave his home. It would be unduly burdensome to require Steven to sit for a lengthy deposition. Steven's physical discomfort makes it difficult for him to concentrate, and the frequency with which he urinates will cause the deposition to extend well beyond the typical time frame for a deposition. Steven would need to dehydrate himself to avoid taking a break to urinate every 10 to 15 minutes. Restricting the

deposition to two hours (not including breaks) will allow the parties sufficient time to depose Steven without causing him unnecessary discomfort and permit sufficient time for frequent breaks.

CERTIFICATE OF CONFERENCE

Pursuant to Federal Rule of Civil Procedure 26(c)(1) counsel for Steven Randall met and conferred with counsel for Defendants in a good faith effort to resolve this discovery dispute. Declaration of David G. Palay (“Palay Decl.”) September 28, 2023, ¶ 3-15. The parties were unable to come to agreement on an appropriate length for Mr. Randall’s deposition. *Id.*

CONCLUSION

For the reasons stated herein, Steven requests the Court enter an order limiting the length of his deposition to two hours (not including breaks).

Respectfully submitted this 28th day of September, 2023.

s/ David Palay

Mark A. Cameli
WI State Bar ID No. 1012040
mcameli@reinhardtllaw.com
Monica M. Mark
WI State Bar ID No. 1082428
mmark@reinhardtllaw.com
David Palay
WI State Bar ID No. 1115862
dpalay@reinhardtllaw.com
Jessica H. Polakowski
WI State Bar ID No. 1061368
jpolakowski@reinhardtllaw.com

Mailing Address:
P.O. Box 2965
Milwaukee, WI 53201-2965
Telephone: 414-298-1000
Facsimile: 414-298-8097

Attorneys for Steven Randall